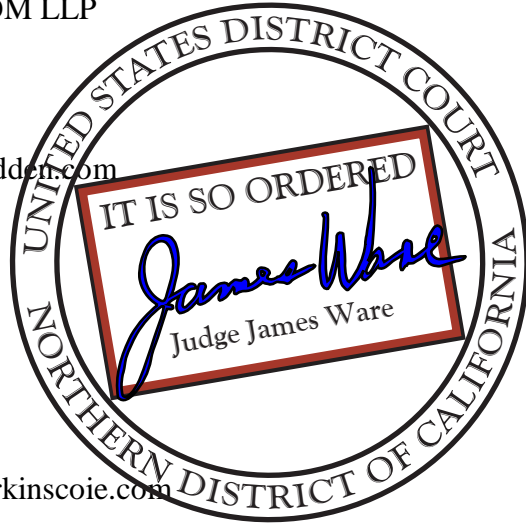


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 15 INTEL CORPORATION



16  
 17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN JOSE DIVISION

20 ESMERALDA MENDEZ, on behalf of herself )	CASE NO.: 5:09-CV-02889-JW
and all others similarly situated, )	
21 )	(Related to Case Nos.: 5:09-CV-03356,
Plaintiff, )	5:09-CV-03926, 5:09-CV-04042)
22 )	
v. )	<b>STIPULATION STAYING TIME TO</b>
23 )	<b>RESPOND TO COMPLAINT AND</b>
INTEL CORPORATION, )	<b>BEGIN DISCOVERY</b>
24 )	
Defendant. )	Judge: Hon. James Ware
25 )	
26 AND RELATED CASES )	Complaint Filed: June 26, 2009
27 )	Trial Date: None
28 )	Discovery Cutoff: None

DANIEL'S DEN INC., on behalf of itself and  
all other similarly situated,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

(Related Case No. : 5:09-CV-03356)

AARON GLASSMAN, DESSERT  
FUNDERBURK and VALENTINE  
ANDERSON, on behalf of themselves and all  
other similarly situated,

Plaintiffs,

v.

INTEL CORPORATION, and BUSINESS  
APPLICATIONS PERFORMANCE CORP.,

Defendants.

(Related Case No.: 5:09-CV-03926)

EDWARD BURNS, a California resident, on  
behalf of himself and all others similarly  
situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware  
corporation; BUSINESS APPLICATIONS  
PERFORMANCE CORPORATION, a  
California corporation,

Defendants.

(Related Case No.: 5:09-CV-04042)

1 WHEREAS, on June 26, 2009, Plaintiff Esmeralda Mendez filed her original  
2 complaint in the matter of Mendez v. Intel Corporation, No. 09-CV-02889-JW;

3 WHEREAS, on July 22, 2009, Plaintiff Daniel's Den Inc. filed its original complaint  
4 in the matter of Daniel's Den Inc. v. Intel Corporation, No. 09-CV-03356-PVT;

5 WHEREAS, on August 25, 2009, Plaintiffs Aaron Glassman, Desseret Funderburk  
6 and Valentine Anderson filed their original complaint in the matter of Glassman et al. v. Intel  
7 Corporation et al., No. 09-CV-03926-EMC;

8 WHEREAS, on August 31, 2009, Plaintiff Edward Burns filed his original  
9 complaint in the matter of Burns v. Intel Corporation et al., No. 09-CV-04042-HRL;

10 WHEREAS, on August 19, 2009, the Court granted Defendant Intel Corporation's  
11 Administrative Motion To Consider Whether Cases Should Be Related based on the stipulation of  
12 the parties in Mendez and Daniel's Den and assigned both cases to the Honorable James Ware for  
13 all purposes;

14 WHEREAS, on September 11, 2009, the Court ordered that the Glassman and Burns  
15 cases be related to the Mendez and Daniel's Den matters and assigned both cases to the Honorable  
16 James Ware for all purposes;

17 WHEREAS, the parties agree that the Mendez, Daniel's Den, Glassman and Burns  
18 cases are substantively similar and that the filing of a consolidated complaint would promote  
19 judicial economy and streamline litigation for the parties;

20 WHEREAS, the Court has set a hearing on Plaintiffs' motion for consolidation of  
21 pleadings for November 23, 2009;

22 WHEREAS, Northern District Local Rule 6-1(a) allows the "[p]arties [to] stipulate  
23 in writing, without a Court order, to extend the time within which to answer or otherwise respond  
24 to the complaint...provided the change will not alter the date of any event or any deadline already  
25 fixed by Court order. Such stipulations shall be promptly filed pursuant to Civil L.R. 5.";

26 WHEREAS, the parties are unaware of any deadlines fixed by the Court that would  
27 be affected by the parties' proposal;

WHEREAS, the parties agree that Defendants need not respond to Plaintiffs' current complaints while the Court considers Plaintiffs' motion to consolidate pleadings; and

WHEREAS, the parties agree that it would be premature to engage in a Rule 26(f) conference and provide initial disclosures under Rule 26(a)(1) before Plaintiffs file their consolidated complaint.

NOW, THEREFORE, the parties stipulate as follows:

(1) Defendants need not respond to any of the complaints filed heretofore in the Mendez, Daniel's Den, Glassman and Burns matters;

(2) The parties agree to temporarily stay the requirements of Rule 26(f) and 26(a)(1) while the Court considers Plaintiffs' request for consolidation of the pleadings and the parties further agree, unless otherwise ordered by the Court, to meet and confer at a time and date after the November 23, 2009 hearing to set a mutually-agreeable time and place for the Rule 26(f) conference and subsequent initial disclosures; and

(3) Defendants will have thirty-five (35) days to respond to the consolidated complaint (or, if the Court denies Plaintiffs' motion to consolidate the pleadings, Defendants will have thirty-five (35) days to respond to any amended complaints filed by the Plaintiffs).

IT IS SO STIPULATED.

DATED: October 26, 2009                      GIRARD GIBBS LLP

By: /s/ Eric H. Gibbs  
Eric H. Gibbs

Attorneys for Plaintiff  
ESMERALDA MENDEZ

DATED: October 26, 2009                      COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP

By: /s/ Shawn A. Williams  
Shawn A. Williams

Attorneys for Plaintiff  
DANIEL'S DEN INC.

1 DATED: October 26, 2009

KAPLAN FOX & KILSHEIMER LLP

2  
3 By: /s/ Linda M. Fong  
Linda M. Fong

4 Attorneys for Plaintiffs  
5 AARON GLASSMAN, DESSERT FUNDERBURK and  
VALENTINE ANDERSON

6 DATED: October 26, 2009

BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C.

7  
8 By: /s/ Andrew S. Friedman  
Andrew S. Friedman

9 Attorneys for Plaintiff  
10 EDWARD BURNS

11 DATED: October 26, 2009

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP


12 By: /s/ Raoul D. Kennedy  
13 Raoul D. Kennedy

14 Attorneys for Defendant  
15 INTEL CORPORATION

16  
17 **\*\*\* ORDER \*\*\***

18 The Court finds good cause to GRANT the parties' Stipulation.

19  
20 Dated: October 30, 2009

21   
JAMES WARE  
22 United States District Judge  
23  
24  
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26  
27  
28